

**CITY OF BUFFALO
DEPARTMENT OF PUBLIC WORKS, PARKS, AND STREETS
502 CITY HALL
BUFFALO, NY 14202**

**REQUEST FOR PROPOSALS TO PROVIDE
RECYCLABLE MATERIAL COLLECTION AND/OR PROCESSING
FOR THE CITY OF BUFFALO**

TO ALL CONCERNED:

The original Contract Documents dated 3/31/21 are herein amended in accordance with the following. This addendum shall form a part of the Contract Documents.

This addendum shall be signed and included in its entirety in the sealed proposal in accordance with Article 204 of the Instructions to Bidders.

- 1). The City of Buffalo has extended the period to submit questions until 4:00PM Friday, July 2, 2021.**
- 2). Response to questions from the Pre-Proposal Meeting on May 4, 2021 and from additional questions submitted on May 7, 2021:**

Living Wage versus Prevailing Wage:

Under Labor Law 220, "building service" workers (including refuse collectors) are normally covered under Article 9 Prevailing Wage law, unless the locality adopts a local law setting the wage floor for those workers. The City of Buffalo set the living wage law to cover service workers like the collectors and sorters. The City of Buffalo Living Wage takes precedence over the prevailing rate for this contract.

Living Wage Escalator:

The Living Wage Commission sets the Living Wage. Beginning July 1, 2021, the City will use a new, single rate, equal to 150% of the federal poverty line for a family of three. For July 1, 2021 through June 30, 2022, that rate will be \$15.84 per hour.

The formula takes 150% of the federal poverty level income guideline for a family of three and divides that by 2080 (average number of hours worked in a year) to produce an hourly wage rate. The increase is calculated every July 1st at the start of the City's fiscal year, based on the federal poverty income guidelines published each calendar year.

There was concern about the 26% jump this July. The increase was due to this new formula (described in the above paragraph) which modernized the living wage to conform with national trends. The Federal Poverty Income Guideline increases historically have been incremental and proposers should be able to reasonably plan for the contract period.

A ten-year history of the Living Wage is attached to this document. A 10-year history of the Federal poverty income guidelines is also attached.

Living Wage as it applies to contractors facilities:

All employees of the contractor processing the City's material are subject to Living Wage. All subcontractors utilized by the contractor for processing the City's material are subject to Living Wage.

Living Wage applies to all workers hours. In the matter of Allied Waste, Remedy Intelligent Staffing and Labor Ready, the Commission found that – “at least in cases when an employer cannot delineate the hours when a worker is not working under a city of Buffalo contract – the living wage applies to all of that workers hours”. The total employees wages cannot be apportioned to the percent of volume that the City of Buffalo's material represents.

Living Wage Compliance:

The City utilizes the LCP Tracker software to monitor contract compliance. Contractor will submit payroll monthly. If the amount entered is not compliant, the LCP tracker will not accept entry and a will trigger a notice.

How will the City Monitor Staff Residency Goals of 50%:

This is a goal, not a requirement. Contractor will be submitting information to the City and the City will determine whether it is a good faith effort. For example, 25% would seem like a good faith effort versus 0%.

Procurement Process:

The procurement process applicable to this solicitation is a best value proposal as prescribed under **NY General Municipal Law Section 104**. NY GML Section 120W is not applicable to this procurement.

Waste Characterization:

The Waste Characterization Study that was submitted as part of the City's Comprehensive Recycling Analysis is attached. The 2020 Daily Recycling Data Sheet is also attached.

Issues with City and Contractor Trucks:

There have been no significant issues with the two entities operating in the same area.

Impact of construction on streets:

When possible, the City notifies contractor of impending construction that impacts collection. It is expected that the Contractor will work to service the street as soon as possible.

Cost Adjustment for variance of totes/units:

The Request for Proposal is for 74,000 residential units, all commercial “streets” with an additional 3200 parcels. There is no cost adjustment up or down in variance of totes on the street. We know, for instance, that a good portion of the parcels do not put out recycling totes weekly. At this time, there are no tote readers that provide exact data so it would be too difficult to monitor the number of parcels adding or reducing service. If, during the execution of the contract, proposer has this data, they will be required to share it with the City.

Bonds:

There is no bid bond required because it is not a bid. The Performance Bond is required for the annual amount of the contract.

Certified Financial Statement:

~~Page 6 Certified Financial Statements – Provide three years of audited financial statements including balance sheets, cash flow and income statements.~~

This section is removed.

Follow up Service:

These are the number of cases for Missed Recycling in 311:

2020												
Q1			Q2			Q3			Q4			
January	February	March	April	May	June	July	August	September	October	November	December	
Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases	Total Cases
188	118	183	248	317	552	202	191	168	127	146	211	2651

Material Recycling Facility location:

The requirement:

Page 26 (5). The location of the material recovery facility (MRF) or transfer station shall be within twenty five (25) miles from the city line is removed.

Required Proposal Forms:

Required proposal forms on pages 35, 36 of original Request for Proposal and in Addendum 3 are amended as attached. The City is evaluating the request to include CPI adjustment based off commodity values into the proposed contract and will provide additional information on that shortly.

Invoicing:

Contractor will be required to submit monthly invoices including the following:

- Curbside Collection Fee
- Processing Fee/Revenue Sharing rebate/fee. Contractor will attached monthly commodity pricing to invoice.

The undersigned Bidder hereby acknowledges that he or she has received and considered Addendum No. 5 for **REQUEST FOR PROPOSALS TO PROVIDE RECYCLABLE MATERIAL COLLECTION AND/OR PROCESSING FOR THE CITY OF BUFFALO.**

Firm Name: _____

By: _____

Title: _____

Date: _____